



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Celia C. CHANG Art Unit: 1625
Re: Application of: SUGASAWA, et al.
Serial No.: 10/500,964
Filed: July 8, 2004
For: 2-Acylaminothiazole Derivative or Salt Thereof

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 24, 2008

DECLARATION UNDER 37 C.F.R. § 1.132

AFFIDAVIT OF TETSUYA KIMIZUKA

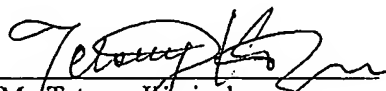
I, TETSUYA KIMIZUKA, being duly sworn, depose and say:

1. I am an associate manager of the Intellectual Property of Astellas Pharma Inc, the Assignee of the above-identified application.
2. I am familiar with the contents of the present patent application and also with the disclosure of International Patent Application No. PCT/JP03/00270, from which the present application entered the U.S. national phase, and with the disclosures of Japanese priority documents JP 2002-10413 and JP 2002-10447.
3. I hereby declare that support for the numerical representations of Markush elements R²⁰, R²¹, R²², R²³, R²⁶, R²⁷, and R²⁸ recited in independent claims 5 and 37 of the present invention can be found, for example, at page 7, lines 10-20 of the English translation of the present application as filed, and at page 6, line 19 to page 7, line 8 of the Japanese priority document JP 2002-10413 (corresponding to page 8, line 18 to page 9, line 11 of the English translation of Japanese priority document JP 2002-10413) and page 6, line 19 to page 7, line 8 of the Japanese priority document JP 2002-10447 (corresponding to page 8, line 10 to page 9, line 3 of the English translation of Japanese priority document JP 2002-10447).
4. I am advised that in view of the above facts, that the claims of the present application are entitled to the benefit of the priority date of January 18, 2002 (the filing date of both JP 2002-10413 and JP 2002-10447) within the context of 35 U.S.C. § 119.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like as made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9/24/2008

Date


Mr. Tetsuya Kimizuka

Subscribed and sworn to before me on

9/24/2008

Date



Dr. Hideki Anan
Director, Intellectual Property
Astellas Pharma Inc.

APPENDIX A

Office Actions issued and Responses submitted
in connection with U.S. Patent No. 7,361,658